

### REMARKS

Claims 5-19 are presently under consideration. Most claims are rejected, but claims 8-10 and 16-18 have been indicated as having allowable subject matter.

The Examiner requested corrected drawings in response to the Official Action, and corrected drawings are submitted. These are not formal drawings, but they are cleaner, sharper drawings with extraneous matter removed. The corrected drawings are believed very clear and understandable.

#### The §102 Rejections:

The Examiner rejected claims 5 and 6 as allegedly fully anticipated by Klebahn patent No. 5,687,491 (a patent of Atlas Showshoe Company, the applicant company). However, this is not actually the case. Claim 5 requires that snowshoe provide two degrees of rotational freedom, including pitch and roll, i.e. boot rotation relative to the snowshoe along a transverse horizontal axis, and along a longitudinal axis of the snowshoe. The Klebahn '491 snowshoe construction does not permit such two degrees of rotational freedom, but only permits freedom of rotation about the pitch axis. The Klebahn patent is owned by the applicant/assignee herein, and thus the applicant is very familiar with the snowshoe of the patent. The straps 24 and 26 that suspend the footbed 16 are highly tensioned and do not

stretch. The biased rotation permitted the user in the pitch direction is achieved by inward elastic deformation of the snowshoe frame 12 when the footbed is tipped upwardly or downwardly by the boot. This suspension device does not permit rotational freedom about the roll axis.

If the Examiner would make an argument to the effect that everything is essentially flexible to some limited degree, and therefore some roll movement is inherently permitted (measured, perhaps, in microns or other negligible increments), the claim addresses this by reciting "such that a user's boot can flex rotationally about the two degrees of rotational freedom when walking on uneven terrain." Moreover, the claim specifically recites that the user's boot or the footbed is permitted these two degrees of rotational freedom, to accomplish the result stated, while substantially preventing rotation of the snowshoe relative to the boot on a generally vertical (yaw) axis. It is also noted that the Examiner's comments in paragraph 5 of the action do not allege that the Klebahn patent shows a snowshoe capable of both the recited degrees of rotational freedom. Therefore, it is manifest that both claims 5 and 6 distinguish from Klebahn '491 and should be allowed.

Claims 5 and 7 were rejected as allegedly anticipated by the Faber patent. However, Faber, like Klebahn '491, fails to show the requisite two degrees of rotational freedom in a snowshoe.

Faber shows steel cables 112 as suspension to support one degree of rotational freedom, in the pitch direction. This is clearly understood from the drawings. The Faber construction plainly does not allow the defined freedom of rotation in the roll direction. Faber describes the cable 112, in column 4 of the patent, as defining a transverse pivot axis for the harness. The pair of cables is clamped tightly onto the boot harness device, "so that no relative movement between the cable and the clamps is permitted." From the drawings one can see that the length of cable between the harness platform and the frame where the cables are secured at each side, is very short. These tensioned cables clearly do not permit any roll rotation of the harness platform relative to the snowshoe. That the cables are tensioned is confirmed in column 4 by the statement that any pivotal movement in the pitch direction causes a twisting effect in the steel cable, causing the double pass configuration of the cable to provide a return force on the cable tending to return the harness to its normal parallel position. This would not be the case if the cable did not carry considerable tension.

Again, the Examiner's comments in paragraph 6 of the Official Action do not allege that Faber shows each and every feature of claim 5, specifically that the reference would show rotational freedom in the roll direction. Claims 5 and 7 accordingly are not anticipated by Faber or any other prior art,

and these claims are entitled to allowance.

Claims 11 and 12 were also rejected as anticipated, in this case by Gallay. Claims 11 and 12 are now cancelled, without prejudice.

The §103 Rejections:

Taking first claims 13-15, the applicant respectfully traverses the rejection over Galley in view of Forrest. Claim 13 now recites not only that the rails are of metal and are insert molded into the molded plastic, but also that the rails are discrete and separate and not connected together, in contrast with what is shown in Gallay. In Gallay the "peripheral walls" 3 or 30a, 30b are apparently molded together with the entire "perforated plate" which forms the snowshoe, and these walls are continuous around the entire periphery of the snowshoe as seen in dotted lines in Figs. 1 and 3, as well as in Figs. 5, 8 and 11. Figs. 12-14 of Gallay also show variations of shapes wherein the "lateral border" is continuous around the snowshoe. It is presumed that these walls or "lateral borders" are designed to engage into the terrain, but the patent does not include much discussion on this point. The patent includes a detailed description of the shape of these walls, but not enough information about the purpose of the walls.

In any event, even assuming these "walls" are to function as

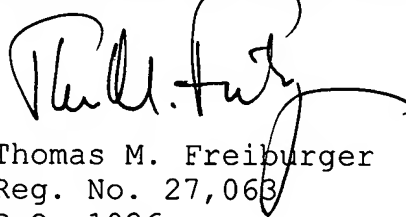
terrain engaging rails, they are apparently integral with the snowshoe platform and thus apparently of a plastic material; they are continuous around the entire snowshoe and thus not the discrete rails as now claimed; and there is no suggestion of insert molding. Insert molding is particularly advantageous in the context of the subject matter of claim 13, because it provides an efficient and permanent means of attaching the metal rails, especially the scalloped metal rail shapes shown in Figs 18 and 19, to the body of a molded snowshoe. No rivets are needed, such as used in the Forrest patent (see Fig. 3). With Forrest teaching fastener-connected parallel metal rails on the bottom of a snowshoe and Gallay teaching a generally racetrack-shaped continuous integral wall which is not metal, there is no teaching in these two references that would suggest making a combination to arrive at the invention of claim 13. No reference suggests insert molding or provides any motivation for a combination including insert molding, and in fact Forrest teaches in a different direction, i.e. the use of fasteners to secure straight metal L-shaped rails to the bottom of a molded snowshoe. Gallay is not completely clear in its teaching, but teaches a continuous integral "wall" which does extend down but which in itself teaches away from use of metal, particularly scalloped metal with apex points (claim 14) for engaging into firm terrain such as ice.

Therefore, claims 13-15, in the form as now presented, are believed clearly to distinguish over the cited prior art.

Claim 19 recites a polypropylene blend with low temperature impact modifiers as the molded plastic material of the snowshoe. This claim is now amended to depend from claim 13, and the specific blend, being advantageous in a molded snowshoe, is believed to add further patentable distinction. Claim 19 should be entitled to allowance.

It is thus submitted that all of claims 5-10 and 13-19 are in condition for allowance, and allowance is solicited. However, if the Examiner believes any issue remains as to allowability of these claims, a telephone call the undersigned would be appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Th. M. Freiburger", with a large, stylized flourish extending from the end of the signature.

Date: March 9, 2004

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